IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

WP(C).No. 27503 of 2007(Y)

PETITIONER:

P. PANKAJAKSHAN, S/O. CHATHU,
AGED 47 YEARS, RESIDING AT PUTHIYEDATH,
KOLAVALLOOR AMSOM, DESOM, P.O. CHERUPARAMBA.

BY ADV. SRI.K.P.HAREENDRAN

RESPONDENTS:
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1. DISTRICT WELFARE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
KANNUR.

2. TAHSILDAR,
REVENUE RECOVERY, THALASSERY P.O., THALASSERY.

3. DISTRICT COLLECTOR,
KANNUR, P.O. KANNUR.

BY ADV. SRI.PAULSON C.VARGHESE,SC,KMTWF BOARD
GOVERNMENT PLEADER SRI.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 27503 OF 2007 Y
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Dated this the 11th day of October, 2007

J U D G M E N T

This writ petition was filed when revenue recovery proceedings were initiated against the petitioner for realisation of the dues of the 1st respondent for the year 2004-05. Exhibits P2 and P3 are the notices that are issued under the provisions of the Revenue Recovery Act. The specific contention of the petitioner is that the final determination order in relation to 2004-05 was not served and therefore, he could not pursue the matter in appeal.

2. When the matter came up for orders, in view of the averments made in this writ petition, standing counsel for the respondent was directed to ascertain the facts and file a statement. In the statement that is filed, it is stated that the provisional determination order for the period 2004-05 in respect of the vehicle was passed on 25/4/05 and that it was sent to the petitioner under registered post acknowledgment due. It is stated that the said order was accepted by the petitioner on

2/5/05. It is also stated that subsequently with notice to the petitioner, enquiry was held and final determination order was passed on 1/9/05 and that the same was also sent and served on the petitioner on 30/11/05.

Thus it is evident that the averment made in this writ petition that the final determination order for the year 2004-05 was not served on the petitioner is totally incorrect and the petitioner has not approached this court disclosing the true facts. Writ petition deserves to be dismissed and I do so. In view of the supression made in this writ petition, I am not inclined to pass an order allowing instalment facility even.

ANTONY DOMINIC, JUDGE.

Rp